

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GLORIA VELEZ MORALES, individually  
and on behalf of all persons similarly  
situated,**

**Plaintiff,**

**v.**

**AROUND THE CLOCK HOME HEALTH  
CARE SERVICES,**

**Defendant.**

**CASE NO.: 2:16-CV-02602-GEKP**

**CLASS AND COLLECTIVE ACTION**

**JURY TRIAL DEMANDED**

**STIPULATION REGARDING ALTERNATIVE DISPUTE RESOLUTION**

Plaintiff Gloria Velez Morales (“Plaintiff”) and Defendant Around The Clock Home Health Care Services (“Defendant” or “Around The Clock”), through their undersigned counsel, stipulate and agree as follows:

1. The parties have met and conferred, and have agreed to a framework for exploring settlement.

2. So that the parties can engage in meaningful, good faith and informed settlement discussions, Defendant agrees to produce to Plaintiff’s counsel on a rolling basis by August 15, 2016, any existing documents and information set forth below, for the time period from May 26, 2012 to present for all persons who worked for Around The Clock Home Health Care Services (“Around The Clock”) as a home health aide (“Class Members”), subject to an agreed protective order to be entered between the parties and submitted to the Court for its review and approval:

- a. A computer readable database (such as Microsoft Excel) containing payroll information regarding all Class Members during the applicable Class Periods, including information showing the number of such employees employed by Around The Clock during the Class Periods, the amount and dates of all wages and other compensation paid to such employees during the class period, and the hours worked and rates of pay for such employees during the Class Period.

- b. A computer readable database containing the names and contact information for all Class Members, including name, last known addresses, last known telephone numbers, and last known email addresses, position(s) held during the applicable Class Period, and dates of employment.
- c. All computer readable databases and documents showing the schedules and time records for Class Members, including information showing the days each Class Member performed work and the locations where they provided work each day, during the applicable Class Periods.
- d. All documents summarizing or describing the policies and procedures for compensating Class Members in the form of wages, overtime compensation, and all other forms of compensation.
- e. All documents regarding time-keeping systems, policies, procedures and practices for Class Members during the applicable Class Periods.
- f. All documents summarizing or describing the job duties of Class Members during the applicable Class Periods.
- g. All audits, evaluations, investigations, time studies, and reports regarding job duties of Class Members, methods of determining pay for such employees, and compensation for such employees during the applicable Class Periods.
- h. The complete personnel files of the named Plaintiff and any individual who files an Opt-In Consent Form.

3. The parties agree that they shall jointly request that the case be referred to Magistrate Judge Rice to conduct a Settlement Conference on a mutually agreeable date in late September 2016.

4. To accommodate the parties' settlement discussions, the parties agree and respectfully request that the case be stayed until October 3, 2016.

5. To accommodate the parties' settlement discussions, Around The Clock agrees that, with respect to Plaintiff's claims under the Fair Labor Standards Act, 29 U.S.C. § 201, *et*

*seq.*, the statute of limitations is hereby tolled for all potential opt-in plaintiffs (using the class definition set forth in paragraph 2), from the date of this stipulation until October 3, 2016.

6. By October 3, 2016, the parties shall file a joint report apprising the Court as to the status of their settlement discussions and outcome of their mediation, and if a settlement in principle has been reached, a schedule for the presentation of the settlement to the Court for its approval.

WHEREFORE, the parties respectfully request that the Court enter this stipulation as an Order.

Dated: June 28, 2016

BERGER & MONTAGUE, P.C.

/s Sarah R. Schalman-Bergen

Shanon J. Carson  
Sarah R. Schalman-Bergen  
Alexandra K. Piazza  
Camille Fundora  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Telephone: (215) 875-3000  
scarson@bm.net  
sschalman-bergen@bm.net

Michael Hollander  
Community Legal Services  
1424 Chestnut Street  
Philadelphia, PA 19102  
Telephone: (215) 981-3794  
MHollander@clsphila.org

*Attorneys for Plaintiff and the Proposed  
Classes*

Respectfully submitted,

CLARK HILL, PLC

/s Stephanie K. Rawitt

Stephanie K. Rawitt  
Clark Hill, PLC  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia PA 19103  
Telephone: (215) 640-8500  
Facsimile: (313) 309-6950  
srawitt@clarkhill.com

*Attorneys for Defendant*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Gene E. K. Pratter  
United States District Judge